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2. Eminent Domain (§ 158*)—Award of Compensation—Rights of Parties to Award—Judicial Determination.—Under Code 1904, § 1105f, authorizing the condemnation of land, requiring the commissioners to ascertain the just compensation therefor, and that the court may ascertain what persons are entitled to the money paid into court and in what proportions, commissioners appointed to report the compensation for land taken, and the additional damages, if any, have no power, where there is a controversy as to who is entitled to such compensation, or in what proportions, to determine who is entitled thereto, but that question must be determined by the court.

[Ed. Note.—For other cases, see *Eminent Domain*, Cent. Dig. §§ 426, 428-432; Dec. Dig. § 158.*]

Appeal from Hustings Court of City of Richmond.

Condemnation proceedings by the City of Richmond against J. P. Carson and another. There was a judgment confirming the report of the commissioners, and J. P. Carson appeals. Reversed in part. (Cardwell, J., absent.)

J. P. Carson and W. P. De Saussure, for appellants.

H. R. Pollard and Christian, Gordan & Christian, for appellees.

LAMBERT *v.* JAMES E. PHILLIPS & SON.

June 13, 1912.

[75 S. E. 121.]

Appeal and Error (§ 1002*)—Review—Findings.—A verdict upon conflicting evidence cannot be disturbed on appeal.

[Ed. Note.—For other cases, see *Appeal and Error*, Cent. Dig. §§ 3935-3937; Dec. Dig. § 1002.*]

Error to Circuit Court of Richmond.

Action by James E. Phillips & Son against G. W. Lambert. There was a judgment for plaintiffs, and defendant brings error. Affirmed.

O'Flaherty & Fulton and W. L. Royall, for plaintiff in error.
John A. Lamb, for defendants in error.

DELAWARE, L. & W. R. CO. *v.* COTTEN.

June 13, 1912.

[75 S. E. 122.]

1. Appeal and Error (§ 859*)—Review—Scope.—Where a case has been heard by the court, and the evidence is certified, it is to be

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r. Indexes.